

## **REMARKS**

### **I. Status of the Claims**

Claims 6-13, 22-23, 30, 66 are currently pending in this application. Without prejudice or disclaimer, claims 6, 9, 12, 22, 30, and 66 are amended and claims 14-21, 24-29, 31-65, and 67-68 are canceled herein.

Applicants respectfully acknowledge the Examiner's statement that "[t]he elected species, wherein the at least one fluorescent dye is of the formula (F3) and the at least one aminosilicone is of the formula (A), appears to be free of the prior art at this time." Office Action at 2. Applicants further respectfully acknowledge the Examiner's indication that claims 7 and 8 contain allowable subject matter. *See id.*

### **II. Rejection Under 35 U.S.C § 102(b)**

The Examiner rejects claims 1, 3, 4, 6, 9-13, 22, 23, 66, 68, and 69 under 35 U.S.C. § 102 (b) as allegedly "being anticipated by" U.S. Patent Application Publication No. 2001/0054206 to Matsunaga et al. ("*Matsunaga*") as evidenced by International Cosmetic Ingredient Dictionary and Handbook, Seventh Edition (1997), page 73 ("*Handbook*"). *See* Office Action at 3-5. The Examiner bases this rejection on the extension of the examination to "the next species, which is the species wherein the at least one fluorescent dye is of the formula (F2) and the at least one aminosilicone is of the formula (A)." *Id.* at 2. Applicants respectfully traverse this rejection. However, solely in the interest of advancing prosecution, Applicants have amended claims 6, 9, 12, 22, 30, and 66. Accordingly, this rejection is moot in view of the claims as-amended,

and Applicants respectfully request that this rejection be withdrawn.

**III. Rejections Under 35 U.S.C. § 103(a)**

The Examiner rejects claims 1, 5, 9-13, and 30 under 35 U.S.C. § 103(a) as allegedly “being unpatentable over” WO 99/13846 to Luo et al. (“*Luo*”). See Office Action at 5-9. The Examiner also rejects claim 2 under 35 U.S.C. § 103(a) as allegedly “being unpatentable over” Matsunaga in view of Peters (EP 370470). See *id.* at 9-11. Finally, the Examiner rejects claims 5 and 67 under 35 U.S.C. § 103(a) as allegedly “being unpatentable over” Matsunaga as evidenced by *International Cosmetic Ingredient Dictionary and Handbook*, Seventh Edition (1997), page 73 in view of U.S. Patent No. 3,894,837 to Kalopissis. See *id.* at 11-13.

Applicants respectfully traverse these rejections. However, solely in the interest of advancing prosecution, Applicants have amended claims 6, 9, 12, 22, 30, and 66, and canceled claims 14-21, 24-29, 31-65, and 67-68. Accordingly, these rejections are moot in view of the currently pending claims.

The currently amended and pending claims all recite at least one fluorescent dye chosen from formula (F3). The Examiner states “the dyes of formula (F3) appear to be free of the prior art at this time.” See *id.* Because all currently pending independent claims recite the dyes of formula (F3), Applicants respectfully request withdrawal of this rejection and allowance of the pending claims.

**IV. Double Patenting Rejections**

The Examiner has withdrawn the double patenting rejections in view of Applicants' Terminal Disclaimer filed October 8, 2008. See Office Action at 12-13.

**CONCLUSION**

In view of the foregoing remarks, Applicants respectfully request reconsideration of the pending claims and their timely allowance.

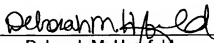
If the Examiner believes a telephone conference could be useful in resolving any outstanding issues, she is respectfully invited to contact Applicants' undersigned counsel at (202) 408-4368.

Please grant any extensions of time required to enter this paper and charge the required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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By:   
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